

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

JULY 17, 2003

The Marlboro Township Council held a regularly scheduled Council Meeting on July 17, 2003 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Karcher opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on December 13, 2002; mailed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Denkensohn, Council Vice President Mione, Councilwoman Singer and Council President Karcher. Councilman Kovalski was absent.

Also present were: Mayor Scannapieco (8:45pm), Ronald H. Gordon, Esq., Business Administrator Chris Marion, Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

Public Information Report - Public Information Director Susan Levine announced that the Burnt Fly Bog/Imperial Oil citizen's advisory committee is holding a community update public meeting on Wed., July 23rd at 7:00pm in the New Caucus Room at Town Hall. She informed Council and residents of the following: to report an electrical outage call 1-888-LIGHTSS (1-888-544-4877), consumer registration of home and mobile numbers to stop telemarketers call 1-888-382-1222 or e-mail www.donotcall.gov and for those using TTY equipment or TDD (telecommunications device for the deaf) call 1-866-290-4236.

Councilwoman Singer moved that the minutes of June 12, 2003 be approved. This motion was seconded by Council Vice President Mione and the minutes as amended were passed on a roll call vote of 4 - 0 (Absent: Kovalski).

Council President Karcher opened the Public Hearing on Ordinance # 2003-12 (Providing Funding for Acquisition of Property - B. 148, Lots 30 & 30Q). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2003-202/ Ord # 2003-12 (Providing Funding for Acquisition of Property - B. 148, Lots 30 & 30Q) was introduced as amended by reference, offered by Councilman Denkensohn, seconded by Councilwoman Singer and passed on a roll call vote of 4 - 0 (Absent: Kovalski).

RESOLUTION # 2003-202

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2003-12 (As Amended)

AN ORDINANCE PROVIDING FUNDING FOR ACQUISITION OF REAL PROPERTY FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$1,180,000 FROM VARIOUS FUNDS AND ACCOUNTS FOR SUCH PURPOSE

which was introduced on June 26, 2003, public hearing held July 17, 2003, be adopted on second and final reading this 17th day of July, 2003.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

ORDINANCE # 2003-12 (As Amended)

TOWNSHIP OF MARLBORO

AN ORDINANCE PROVIDING FUNDING FOR ACQUISITION OF REAL PROPERTY FOR THE TOWNSHIP OF MARLBORO AND APPROPRIATING \$1,180,000 FROM VARIOUS FUNDS AND ACCOUNTS FOR SUCH PURPOSE

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH AND STATE OF NEW JERSEY, AS FOLLOWS:

Section 1. The Township of Marlboro, in the County of Monmouth, New Jersey, authorizes the acquisition of real property located at Block 148, Lots 30 and 30Q and costs in connection

therewith for the Township of Marlboro to be funded from the sources specified in Section 2 of the Ordinance.

Section 2. The amount of \$1,180,000 is hereby appropriated from the following funds or accounts: \$400,000 from a New Jersey Department of Environmental Protection Green Acres grant pursuant to The Garden State Preservation Trust Act P.L. 199, Chapter 122 and \$780,000 from the Open Space Account for the purposes stated in Section 1 of the Ordinance.

Section 3. In connection with the purpose and the amount authorized in Sections 1 and 2 hereof, the Township determines the purpose described in Section 1 hereof is not a Current Expense and is an improvement which the Township of Marlboro may lawfully make as a general improvement.

Section 4. All ordinances or parts of ordinances which are inconsistent with the terms of this Ordinance be and the same are hereby repealed to the extent of their inconsistency.

Section 5. This Ordinance shall take effect immediately upon due passage and publication according to law.

Council President Karcher opened the Public Hearing on Ordinance # 2003-13 (Amending Chapter 132- Swim Pool Facility - Freezing Membership). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2003-203/ Ord. # 2003-13 (Amending Chapter 132- Swim Pool Facility - Freezing Membership) was introduced by reference, offered by Councilwoman Singer, seconded by Council Vice President Mione and passed on a roll call vote of 4 - 0 (Absent: Kovalski).

RESOLUTION # 2003-203

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2003-13

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 132
"SWIMMING POOL FACILITY, MUNICIPAL", SECTION 132-3
"MEMBERSHIP IN FACILITY" OF THE CODE OF THE TOWNSHIP OF
MARLBORO TO ESTABLISH A FEE TO FREEZE A MEMBERSHIP

which was introduced on June 26, 2003, public hearing held July 17, 2003, be adopted on second and final

reading this 17th day of July, 2003.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Resolution # 2003-204/Ord. # 2003-14 (Reappropriating Previous Bond Ords.) was introduced by reference, offered by Council Vice President Mione, seconded by Councilman Denkensohn and passed on a roll call vote of 4 - 0 in favor (Absent: Kovalski).

RESOLUTION # 2003-204

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2003-14

BOND ORDINANCE REAPPROPRIATING \$115,000 PROCEEDS OF
OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES
FOR THE ACQUISITION OF VARIOUS IMPROVEMENTS BY THE
TOWNSHIP OF MARLBORO, NEW JERSEY

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on August 14, 2003 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2003-14

BOND ORDINANCE REAPPROPRIATING \$115,000 PROCEEDS OF
OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES
FOR THE ACQUISITION OF VARIOUS IMPROVEMENTS BY THE
TOWNSHIP OF MARLBORO, NEW JERSEY

BE IT ORDAINED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

SECTION 1:

Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$115,000 of the bond proceeds of obligations originally made available pursuant to the following ordinances of the Township of Marlboro, County of Monmouth, New Jersey is no longer necessary for the purposes for which the obligations previously were authorized. Each amount is listed under the column, "Balance to be Reappropriated, " and is further described by reference to the number of the bond ordinance pursuant to which such amounts have been made available, the original appropriation made by the bond ordinance, and the description of the improvement for which such amounts originally were appropriated.

The \$115,000 bond proceeds to be reappropriated are made available as follows:

Ordinance Number	Appropriation	Description of Improvement	Balance to be Reappropriated
96-34	\$ 290,000	Resurfacing and Restoration of Various Roads	\$ 47,000
97-16	400,000	Improvements of Various Roads	27,000
99-34	250,000	Sewer System Improvements at Blossom Heights	41,000

TOTAL \$115,000.00

SECTION 2:

The total amount of \$115,000 referred to in Section 1 above is hereby reappropriated as follows:

(a) Recodification of ordinances, and including all work and materials necessary therefore or incidental thereto \$40,000

(b) Acquisition of data collection equipment/GPS locator and associated software, and including all work and materials necessary therefore or incidental thereto. \$20,000

(c) Acquisition of various public works, including a skid \$55,000

steer loader with planer, leaf vacuum, trailer and automatic lift, and including all work and materials necessary therefore or incidental thereto.

SECTION 3:

The capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, Department of Community Affairs, State of New Jersey is on file with the Township Clerk and is available for public inspection.

SECTION 4:

This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The following Resolution # 2003-205/Ord. # 2003-15 (Revocable Easement - Valesi Drive) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilwoman Singer and passed on a roll call vote of 4 - 0 in favor (Absent: Kovalski).

RESOLUTION # 2003-205

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2003-15

AN ORDINANCE TO CONVEY A REVOCABLE EASEMENT OF LANDS OWNED BY THE TOWNSHIP OF MARLBORO NOT NEEDED FOR MUNICIPAL PURPOSES

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on August 14, 2003 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time

all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2003-15

AN ORDINANCE TO CONVEY A REVOCABLE EASEMENT OF LANDS
OWNED BY THE TOWNSHIP OF MARLBORO NOT NEEDED
FOR MUNICIPAL PURPOSES

WHEREAS, John A. Sparapani and Maria Sparapani, his wife, are the Owners ("Owners") of property known as Block 184, Lot 119, Township of Marlboro, County of Monmouth and State of New Jersey (the "Property"); and

WHEREAS, on January 2, 2003, the Owners of the Property appeared before the Marlboro Township Zoning Board of Adjustment to obtain a Bulk Variance to construct a swimming pool upon the Property, under Application # ZB00-6065 (the "Application"); and

WHEREAS, during review of the Application, it was determined that the Owners had erected a fence surrounding the Property, which fence encroaches slightly upon a portion of property owned by the Township known as Block 184, Lot 29, Township of Marlboro, County of Monmouth, State of New Jersey ("Township Property"); and

WHEREAS, the Township Property is not currently needed for municipal use; and

WHEREAS, the Township is willing to grant a revocable easement over a portion of the Township Property to the Owners (as more fully described in a Map entitled "Pool Plan" attached hereto as Exhibit "A"), provided that Owners construct a gate on the fence currently located on the perimeter of the Township Property to permit emergency access.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, that the Township may grant to Owners a revocable easement over a portion of Township Property (as more fully described in a Map entitled "Pool Plan" attached hereto as Exhibit "A"), provided that Owners construct a gate on the fence currently located on the perimeter of the Township Property to permit emergency access.

BE IT FURTHER ORDAINED, that this conveyance of easement is conditioned upon the Owners constructing a gate on the fence currently located on the perimeter of a portion of the Township Property.

BE IT FURTHER ORDAINED, that the Mayor and Township Clerk are hereby authorized and directed to execute the necessary Deed of Easement and any other documents required to convey the property interests ordained herein.

BE IT FURTHER ORDAINED, that this ordinance shall take effect following adoption and approval in a time and manner prescribed by law.

The following Resolution # 2003-206 (Advising and Consenting to Library Board Appointment - Bernard Jacks - 5 year term) was introduced by reference, offered by Councilman Denkensohn, seconded by Council Vice President Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Kovalski).

RESOLUTION # 2003-206

RESOLUTION APPOINTING MEMBER OF THE BOARD OF TRUSTEES OF THE
MARLBORO FREE PUBLIC LIBRARY FOR FIVE YEAR TERM

WHEREAS, pursuant to NJSA 40:54-9 et. seq. and Section 4-34D(4) of the Marlboro Code, the Mayor, subject to the advice and consent of the Township Council desires to appoint Bernard Jacks for a five year term; and

WHEREAS, the Township Council of the Township of Marlboro does hereby give its advice and consent to the appointment of Bernard Jacks for said five year term to expire August 2008 and;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro that the appointment of Bernard Jacks as a member of the Board of Trustees of the Marlboro Free Public Library for a five-year Term without compensation is hereby confirmed.

BE IT IS FURTHER RESOLVED, that this appointment is made pursuant to NJSA 40:54-9 et. seq. and Section 4-34D(4) of the Marlboro Code.

The following Resolution # 2003-191 (Award of Contract - Drainage Ditch - Route 9 (Carried from mtg. 6/26) was introduced by reference, offered by Councilwoman Singer, seconded by Council Vice President Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Kovalski).

RESOLUTION # 2003-191

RESOLUTION AUTHORIZING THE TOWNSHIP OF MARLBORO TO ENTER INTO A PROFESSIONAL SERVICES CONTRACT WITH SCHOOR DEPALMA INC. FOR DRAINAGE ANALYSIS AND DESIGN OF A DRAINAGE SYSTEM TO ENCLOSE AN OPEN CHANNEL ON THE SOUTHERN SIDE OF THE PROPERTY AT 209 ROUTE 9, KNOWN AS BLOCK 286, LOT 14, IN THE TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

WHEREAS, for the health and safety of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey, it is necessary to perform drainage analysis and to design a drainage system to enclose an open drainage channel which currently runs along the southerly side of a residential property at 209 Route 9, known as Block 286, Lot 14, Township of Marlboro, County of Monmouth, State of New Jersey (the "Property"); and

WHEREAS, the Township requires the services of an engineering and environmental professional in order to direct carry out such drainage analysis and design of such drainage system in accordance with the requirements of the New Jersey Department of Environmental Protection, New Jersey Department of Transportation and/or any other State or Federal Agencies; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, *N.J.S.A. 40A:11-1, et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the award of the contract be published in a newspaper of general circulation in the municipality; and

WHEREAS, the Township Council, having considered the same, now wishes to retain Schoor DePalma Inc to perform the necessary services for drainage analysis and design of a drainage system to enclose an open drainage channel running along the Property as set forth in Schoor DePalma's proposal dated June 20, 2003.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, as follows:

1. That the Mayor, or his designee, is authorized to execute and the Township Clerk to attest an agreement in a form acceptable to the Township Attorney between the Township of Marlboro and Schoor DePalma Inc., with regard to the aforesaid services, as per the proposal dated May 21, 2003, to be attached hereto and made a part hereof.

2. That the services to be performed shall be in accordance with the amounts stipulated in the attached May 21, 2003 proposal, with any additional expenditures requiring further authorization from the Township Council.

3. That this contract is awarded without competitive bidding as a "Professional Service", in accordance with *N.J.S.A. 40A:11-5*, of the Local Public Contracts Law of New Jersey, because the services will be performed by persons authorized by law to practice a recognized profession for such needed qualitative services.

4. That this award of contract is specifically contingent upon verification and certification by the Township Chief Financial Officer of adequate funding available for same. The Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution.

5. That Notice of the adoption of this Resolution shall be published in a newspaper of general circulation within the Township.

6. That a certified copy of this Resolution shall be provided to each of the following:

- a. Schoor DePalma Inc.
(Attn: Richard E. Brown, P.E.)
- b. Township Business Administrator
- c. Township Engineer
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-192 (Bond Reduction - Carmel Estates (carried from mtg. 6/26) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilwoman Singer and passed on a roll call vote of 3 - 0 in favor (Absent: Karcher and Kovalski).

RESOLUTION # 2003-192

RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE AND CASH
BONDS FOR DEVELOPMENT KNOWN AS CARMEL ESTATES

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request for the reduction of Township held Performance and Cash Bonds for a development known as Carmel Estates; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed reports from the Township Engineer dated June 6, 2003, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends a partial reduction in the current Performance and Cash Bond amounts being held by the Township; and

WHEREAS, the Township Council now wishes to take the following action regarding the aforesaid Performance and Cash Bonds.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Guarantees posted for the Carmel Estates Development shall be reduced as follows:

The Performance Bond, in the original and present amount of \$372,528.67, shall be reduced by \$191,698.22 (51%), so that the amount to remain shall be \$180,830.45 (48.50%).

The Cash Bond, in the original and present amount of \$41,392.07, shall be reduced by \$21,299.80 (51%), so that the amount to remain shall be \$20,092.27 (48.50%).

BE IT FURTHER RESOLVED, that the above reductions shall be subject to the payment of all fees required by the Planning Board and/or Developer's Agreement for the aforesaid development.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Friendship, Inc.
- b. Gulf Insurance Company
- c. Township Engineers

- d. Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-207 (Bond Release Rosenthal) was introduced by reference, offered by Councilwoman Singer, seconded by Councilman Denkensohn and passed on a roll call vote of 3 - 0 in favor (Absent: Karcher and Kovalski).

RESOLUTION # 2003-207

RESOLUTION AUTHORIZING RELEASE OF PERFORMANCE BOND FOR STEVE AND SANDRA ROSENTHAL, 310 DEER PATH, BLOCK 154, LOT 1.22, TOWNSHIP OF MARLBORO, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request for the release of Performance Bond being held by the Township to guarantee the replacement of trees on the property known as 310 Deer Path, Block 154, Lot 1.22, Township of Marlboro, County of Monmouth, State of New Jersey owned by Steve and Sandra Rosenthal (the "Property"); and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated July 3, 2003, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends the release of the Performance Bond being held by the Township; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Guarantee posted for the Property shall be released in its entirety.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Steve and Sandra Rosenthal
- b. Universal Bonding Insurance Company
- c. Township Engineer
- d. Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-208 (Bond Reduction Lexington Estates Phase 4) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilwoman Singer and passed on a roll call vote of 4 - 0 in favor (Absent: Kovalski).

RESOLUTION # 2003-208

RESOLUTION AUTHORIZING REDUCTION OF PERFORMANCE AND CASH
BONDS FOR DEVELOPMENT KNOWN AS LEXINGTON ESTATES

WHEREAS, in accordance with *N.J.S.A. 40:55D-53*, the Township of Marlboro has received a request for the reduction of Township held Performance and Cash Bonds for a development known as Lexington Estates; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated July 10, 2003, a copy of which is attached hereto and made a part hereof; and

WHEREAS, the report recommends a partial reduction in the current Performance and Cash Bond amounts being held by the Township, subject to the payment of all fees required by the Developer Agreement and the filing of deeds for all lots and easements dedicated to the Township; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance and Cash Bonds.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Guarantees posted for the Lexington Estates Development shall be reduced as follows:

The Performance Bond, in the original and present amount of \$470,396.97, shall be reduced by \$164,638.94 (35%), so that the amount to remain shall be \$305,758.03 (65%).

The Cash Bond, in the original and present amount of \$52,266.33, shall be reduced by \$18,293.22 (35%), so that the amount to remain shall be \$33,973.11 (65%).

BE IT FURTHER RESOLVED, that the above reductions shall be subject to the payment of all fees required by the Developer Agreement for the aforesaid development.

BE IT FURTHER RESOLVED, that the above reductions shall be subject to Developer's filing of all deeds for all lots and easements to be dedicated to the Township.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. K. Hovnanian at Marlboro VIII, Inc.,
- b. Fireman's Fund Insurance Company
- c. Township Engineers
- d. Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-209 (Award of Bid - Defibrillators) was introduced by reference, offered by Councilwoman Singer, seconded by Councilman Denkensohn and passed on a roll call vote of 4 - 0 in favor (Absent: Kovalski).

RESOLUTION # 2003-209

A RESOLUTION AWARDING A CONTRACT TO MEDTRONIC PHYSIO-CONTROL CORP. TO PROVIDE LIFEPAK 500 AUTOMATED EXTERNAL DEFIBRILATORS ("AEDS") OR BRAND EQUIVALENT AND RELATED EQUIPMENT TO THE TOWNSHIP OF MARLBORO

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the provision of Lifepak 500 Automated External Defibrillators (AEDs) or Brand Equivalent and Related Equipment to the Township of Marlboro and on June 20, 2003 received six (6) bids therefor; and

WHEREAS, the six (6) bids received were as follows:

1. V.E. Ralph & Son, Inc., 320 Schuyler Avenue, PO Box 633, Kearny, NJ 07032 for the amount of \$15,080.00
2. Medtronic Physio-Control Corp., 11811 Willows Road NE, PO Box 97023, Redmond, WA 98073-9723 for the amount of \$41,300.00; and
3. American Red Cross, 1540 West Park Avenue, Tinton Falls, NJ 07724 for the amount of \$47,000.00; and
4. T.E.A.M. Life, Inc., 1 Locust Place, Colts Neck, NJ 07722-1114 for the amount of \$29,90.00; and

5. LifeSavers, Inc., 759 Bloomfield Avenue #102, West Caldwell, NJ 07006-6701; and
6. Zee Medical Service, 135 Gaither Drive, Suite c, Mount Laurel, NJ 08054.

WHEREAS, the Township Administration and the Township Police Department have reviewed the said bids received and recommended that same be awarded to Medtronic Physio-Control Corp. as the lowest responsible bidder by default because:

1. The bid received from V.E. Ralph & Son, Inc. contained material exceptions to the bid by offering a non-brand equivalent to the Lifepak 500 AED, among sixteen (16) other failures to meet specifications, making such bid non-responsive; and

2. The bids received from Lifesaver, Inc., the American Red Cross, T.E.A.M. Life, Inc. Lifesavers, Inc. and Zee Medical Service contained material exceptions to the bid by offering a non-brand equivalent to the Lifepak 500 AED, among seventeen (17) other failures to meet specifications, making such bids non-responsive.

WHEREAS, funds are available and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Mayor and Township Council have indicated their desire to engage Medtronic Physio-Control Corp. of Redmond, Washington to provide Lifepak 500 Automated External Defibrillators (AEDs) or Brand Equivalent and Related Equipment to the Township of Marlboro.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract be awarded to Medtronic Physio-Control Corp, Inc. of Redmond, Washington to Lifepak 500 Automated External Defibrillators (AEDs) or Brand Equivalent and Related Equipment to the Township of Marlboro; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with Medtronic Physio-Control Corp in a form to be approved by the Township Attorney, for the aforementioned equipment; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Medtronic Physio-Control Corp
- b. Township Administrator
- c. Township Chief Financial Officer

- d. Police Chief, Marlboro Township Police Department
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-210 (Award of Bid - Closed Circuit TV /Security Cameras) was introduced by reference, offered by Councilwoman Singer, seconded by Council Vice President Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Kovalski).

RESOLUTION # 2003-210

A RESOLUTION AWARDING A CONTRACT TO COMPLETE SECURITY SYSTEMS, INC. TO PROVIDE AND INSTALL A CLOSED CIRCUIT TV/SECURITY ACCESS SYSTEM FOR THE TOWNSHIP OF MARLBORO POLICE DEPARTMENT AND MUNICIPAL COMPLEX

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the provision and installation of a Closed Circuit TV/Security Access System for the Marlboro Township Police Department and Municipal Complex and on June 20, 2003 received four (4) bids therefor; and

WHEREAS, the four (4) bids received were as follows:

1. CES Corporation, 656 Georges Road, North Brunswick, N.J. 08902 for the amount of \$87,661.00
2. INTELLICOM, 7905 Browning Road, Suite 208, Pennsauken, NJ 08109 for the amount of \$75,155.00; and
3. Complete Security Systems, Inc., 16 North Main Street, Marlboro, NJ 07746-141 for the amount of \$73,195.00; and
4. Institutional System Service Corporation, 160 Hoper Avenue, Waldwick, NJ 07463 for the amount of \$117,117.00

WHEREAS, the Township Administration and the Township Police Department have reviewed the said bids received and recommended that same be awarded to Complete Security Systems, Inc. as the lowest responsible bidder; and

WHEREAS, funds are available and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Mayor and Township Council have indicated their desire to engage Complete Security Systems, Inc. of Marlboro, New

Jersey to provide and install a Closed Circuit TV/Security Access System for the Marlboro Township Police Department and Municipal Complex.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract be awarded to Complete Security Systems, Inc. of Marlboro, New Jersey for the provision and installation of a Closed Circuit TV/Security Access System for the Marlboro Township Police Department and Municipal Complex; and

BE IT FURTHER RESOLVED, that the Mayor is hereby authorized to execute and the Township Clerk to witness a Contract with Complete Security Systems, Inc. in a form to be approved by the Township Attorney, for the aforementioned equipment; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Complete Security Systems, Inc.
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Police Chief, Marlboro Township Police Department
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-211 (Authorizing Interlocal Services Agreement Monmouth County - Shuttle Pilot Program) was introduced by reference, offered by Councilwoman Singer, seconded by Councilman Denkensohn and passed on a roll call vote of 4 - 0 in favor (Absent: Kovalski).

RESOLUTION # 2003-211

RESOLUTION AUTHORIZING THE EXECUTION OF AN INTERLOCAL SERVICES
AGREEMENT BETWEEN THE TOWNSHIP OF MARLBORO AND THE COUNTY OF
MONMOUTH FOR THE PROVISION OF A COMMUTER SHUTTLE SERVICE FOR AN
INITIAL TERM OF SIX (6) MONTHS

BE IT RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that the Mayor and Township Clerk are hereby authorized to execute an Interlocal Services Agreement between the Township of Marlboro and the County of Union, substantially in the form attached hereto, for the provision of a commuter shuttle service for an initial term of six (6) months; and

BE IT FURTHER RESOLVED that, pursuant to the Interlocal Services Act, N.J.S.A. 40:8A-1, et seq., such Agreement shall be filed with and open to the public for inspection at the offices of the Township Clerk, and such Agreement shall take effect upon the adoption of appropriate resolutions by all parties thereto.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution be provided to each of the following:

- a. Monmouth County Board of Chosen Freeholders
- b. Director of Monmouth County Department of Transportation
- c. Township Business Administrator
- d. Township Chief Financial Officer
- e. DeCotiis, FitzPatrick, Cole & Wisler, LLP

The following Resolution # 2003-212 (Item of Revenue - Clean Communities) was introduced by reference, offered by Councilwoman Singer, seconded by Council Vice President Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Kovalski).

RESOLUTION # 2003-212

ITEM OF REVENUE IN THE BUDGET OF MUNICIPALITY
PURSUANT TO N.J.S.A. 40A: 4-87 (Chapter 159, 1948)

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount; and

WHEREAS, the Township of Marlboro has received a grant award for State of New Jersey - Department of Environmental Protection, Clean Communities Program in the amount of \$32,500.73

SECTION 1:

NOW, THEREFORE, BE IT RESOLVED, that the Township Council hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the 2003 budget in the amount of \$32,500.73 which item is now available as a revenue from:

Public & Private Revenues Offset with Appropriations:
State of New Jersey - Department of Environmental Protection

Clean Communities Program \$32,500.73

SECTION 2:

BE IT FURTHER RESOLVED, that the amount of \$32,500.73 is hereby appropriated as:

Operations Excluded from "CAPS":
State of New Jersey - Department of Environmental Protection

Clean Communities Program \$32,500.73

And,

BE IT FURTHER RESOLVED, that two certified copies be filed in the Office of the Director of the Division of Local Government Services.

The following Resolutions were introduced by reference, offered by Councilman Denkensohn, seconded by Council Vice President Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Kovalski): Res. # 2003-214 (Redemption Tax Sale Certs. - Various), Res. # 2003-215 (Overpayments 2003 Taxes - Various), Res. # 2003-216 (Mon. County Taxation Board Judgements - Various), Res. # 2003-217 (Refund to WMUA - B. 105, L. 2), Res. # 2003-218 (Veteran Deductions - Various) and Res. # 2003-219 (Refunds for Overbilled Taxes - Various).

RESOLUTION # 2003-214

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$105,600.92 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$105,600.92 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
01-16 62 Rockwell Circle	201/2	MD-SASS-II Ct. Wachovia Bank, NA Cust. 123 S. Broad St. PA 1328S Philadelphia, PA 19109	\$27,328.63
02-1 4 Thomas Lane	104/8	Culmac, Inc. P.O. Box 251 Monmouth Beach, NJ 07750	6,390.69
02-33 62 Rockwell Circle	201/2	Wachovia-Coll Agt/ SASS Muni IV Dtr 123 S. Broad St. PA 1328S Philadelphia, PA 19109	10,924.52
03-25 3 Harry Court	268.04/25	Richard Simon, Trustee, LLC P.O. Box 238 Northfield, NJ 08225-0238	25,369.91
03-26 482 Tennent Road	299/119	American Tax Funding, LLC Attn: Martha Moseley P.O. 862658 Orlando, FL 32886-2658	19,188.84
03-35 55 Thrasher Court	412/307 C0055	Wachovia-Coll Agt/ SASS Muni IV Dtr 123 S. Broad Street PA 1328S Philadelphia, PA 19109	1,664.13
03-37 40 Kingfisher Court	412.04/12	Richard Simon, Trustee, LLC P.O. Box 238 Northfield, NJ 08225-0238	14,134.82
03-56 20 Windfall Lane	371/18	American Tax Funding, LLC Attn: Martha Moseley P.O. Box 862658 Orlando, FL 32886-2658	276.17

03-58	206/60	American Tax Funding, LLC	323.21
189 Route 79		Attn: Martha Moseley	
		P.O. Box 862658	
		Orlando, FL 32886-2658	

TOTAL:	<u>\$105,600.92</u>
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RESOLUTION # 2003-215

WHEREAS, the attached list in the amount of \$9,936.72 known as Schedule "A", is comprised of amounts representing overpayments for 2003 taxes,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund the above-mentioned overpaid amounts as per the attached Schedule "A",

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
120	28	Guy Ziegenbalg	\$1,769.52
291A Texas Road		291 Texas Road	
		Morganville, NJ 07751	
143.05	78.05	Washington Mutual	1,797.09
404 New Castle Ct.		Attn: Tax Dept.--Refunds	
		2210 Enterprise Avenue	
		Florence, SC 29501	
		Re: David P. & Tinamarie Azulay	
178	2 C0179	Transamerica Real Estate Tax	929.66
179 Nantucket Place		Att: Refunds Department	
		1201 Elm Street, Suite 4200	
		Dallas, TX 75270-2111	
		Re: Teri Brown	
207	22.16	Jaspal Virdee	1,515.50
27 Osprey Court		27 Osprey Court	
		Marlboro, NJ 07746	
280	1	First American Tax Service	1,455.84
63 Guest Drive		Attn: NJ Team, Suite 100	
		95 Methodist Hill Drive	
		Rochester, NY 14623	
		Re: Robert & Donna Triefler	

344	4	Ilana S. Garber	1,381.23
7 Ingersoll Road		7 Ingersoll Road	
		Marlboro, NJ 07746	

393	28	Elaine DiCosmo	1,087.88
20 Silvers Road		20 Silvers Road	
		Marlboro, NJ 07746	

TOTAL:	<u>\$9,936.72</u>
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RESOLUTION # 2003-216

WHEREAS, the Monmouth County Board of Taxation has granted judgments for the year 2003, as per the attached Schedule "A",

WHEREAS, the 2003 taxes have unpaid balances, the Tax Collector is directed to apply the amount of \$5,199.05,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply the amount of \$5,199.05 as noted above.

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNERS</u>	<u>AMOUNT</u>
133	23	Larry & Elaine McMillen	\$ 486.94
5 Darryl Drive		5 Darryl Drive	
		Morganville, NJ 07751	

180	47	Joel & Stephanie Markel	4,293.48
35 Eric Court		35 Eric Court	
		Morganville, NJ 07751	

364	60	Lloyd Gorcey Charitable Fdn.	418.63
13 Yellowbrook Way		P.O. Box 60	
		Long Branch, NJ 07740	

TOTAL:	<u>\$5,199.05</u>
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RESOLUTION # 2003-217

WHEREAS, Township Lien #98-71 was assigned to a third party for Block 105 Lot 2, assessed to Melinda & John Parker, located on Martha Place,

WHEREAS, this assignment included unpaid sewer charges in the amount of \$166.88 on the above-mentioned property,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges be refunded to the Western Monmouth Utilities Authority.

RESOLUTION # 2003-218

WHEREAS, Veteran deductions totaling \$750.00 have been granted as per the attached Schedule "A" for the year 2003,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to direct the Tax Collector to apply these deductions to the respective taxpayers as per Schedule "A".

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
159.02	1	Charles & Joan Vesce, Jr.	\$250.00
510 Presidents Way		510 Presidents Way Morganville, NJ 07751	
238	3	James & Anne Mould	250.00
54 Stockton Drive		54 Stockton Drive Marlboro, NJ 07746	
258	13	John & Ronni Donza	250.00
25 Lake Louise Rd.		25 Lake Louise Road Morganville, NJ 07751	
TOTAL:			<u>\$750.00</u>

RESOLUTION # 2003-219

WHEREAS, the attached list, known as Schedule "A", is comprised of properties that were overbilled for 2003, and,

WHEREAS, the 2003 taxes were paid in full based on the overbilled amounts,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to refund amounts totaling \$21,200.08 to the respective taxpayers.

SCHEDULE "A"

<u>BLOCK</u>	<u>LOT</u>	<u>ASSESSED OWNER</u>	<u>AMOUNT</u>
120	23	Marlboro Baseball, Inc.	\$1,897.02
5 Riley Road		5 Riley Road Morganville, NJ 07751	
154	20 QFARM	Joseph Manzo	11,027.82
Route 34		55 Highway 34 Matawan, NJ 07747	
170	8.01 QFARM	Helge & Maxine Andersen	16.47
97 Harbor Road		97 Harbor Road Morganville, NJ 07751	
171	15.02	Carol Braun	1,629.85
221 Tennent Road		223 Tennent Road Morganville, NJ 07751	
360	25.22	School Road Association	495.67
Livingston Court		c/o Byron-Hill 42 Vanderburg Road Marlboro, NJ 07746	
360	34	Carl Fava & Frances Tessoun	4,505.52
101 School Road East		724 Fairview Lane Forked River, NJ 08731	
364	14 QFARM	Joseph Manzo	172.59
School Road East		55 Highway 34 Matawan, NJ 07747	
371	38	Lorraine M. Minio	839.98
14 Homestead Circle		14 Homestead Circle Marlboro, NJ 07746	
392	38.13	Landmark Estates, L.L.C.	615.16
1 Landmark Lane		1200 Sunnyview Oval Keasbey, NJ 08832	
TOTAL:			\$21,200.08

The following Resolution # # 2003-220 (Canceling Taxes - Midway Mobile) was introduced by reference, offered by Councilwoman Singer, seconded by Councilman Denkensohn and passed on a roll call vote of 4 - 0 in favor (Absent: Kovalski).

RESOLUTION # 2003-220

RESOLUTION CANCELING 2003 TAXES ON THE PROPERTY LEASED
BY THE MIDWAY MOBILE HOMEOWNER'S ASSOCIATION
AT BLOCK 147, LOT 43 ON THE MARLBORO TOWNSHIP TAX MAP

WHEREAS, the Township of Marlboro is the record owner of Block 147, Lot 43 on the Marlboro Township Tax Map, which property is leased to the Midway Mobile Homeowner's Association (hereinafter the "tenant") and is the site of the Hamilton Park Mobile Home Community; and

WHEREAS, in accordance with the Agreements executed concerning the said Property, a rental payment is to be made to the Township by the tenant in lieu of the payment of real estate taxes, and therefore the 2003 real estate taxes assessed against the property must be canceled.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the 2003 real estate taxes assessed against Block 147, Lot 43 on the Marlboro Township Tax Map, in the amount of \$13,630.85, are hereby canceled.

2. That a certified copy of this Resolution shall be provided to each of the following:

- a. Midway Mobile Homeowner's Association
- b. Shirley Giaquinto, Tax Collector
- c. Walter Kosul, Tax Assessor

At 9:45 PM, Councilman Denkensohn moved that the meeting go into executive session for reason of discussing property acquisition, contract negotiations, litigation and personnel. This was seconded by Council President Karcher, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Kovalski). Recess was called, and the executive session commenced at 10:00 PM.

RESOLUTION # 2003-222

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 17th day of July, 2003 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, property acquisition, contract negotiations, litigation and personnel.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 60 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 12:55 PM, Councilman Denkensohn moved that the meeting be opened. This was seconded by Council President Karcher, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Kovalski).

The following Resolution # 2003-223 (Authorizing Temporary Emergency Appropriation) was introduced by reference, offered by Councilwoman Singer, seconded by Councilman Denkensohn and passed on a roll call vote of 4 - 0 in favor (Absent: Kovalski).

RESOLUTION # 2003-223

RESOLUTION AUTHORIZING AN EMERGENCY APPROPRIATION

WHEREAS, an emergency has arisen with respect to Legal, Other Expenses, and no adequate provision was made in the 2003 budget for the aforesaid purpose, and N.J.S.A. 40A: 4-46 provides for the creation of an emergency appropriation for the purpose above mentioned, and

WHEREAS, the total amount of emergency appropriation created including the appropriation to be created by this resolution is \$350,000.00 and three percent of the total operations in the budget for the year 2003 is \$770,522.46,

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the provisions of N.J.S.A. 40A: 4-48,

1. An emergency appropriation be and the same is hereby made for Legal, Other Expenses in the amount of \$350,000.00.
2. That said emergency appropriation shall be provided in full in the 2004 budget.
3. That two certified copies of this resolution be filed with the Director of Local Government Services.

The following Resolution # 2003-224 (Authorizing Sale of Plenary Retail Consumption License) was introduced by reference, offered by Councilman Denkensohn, seconded by Councilwoman Singer and passed on a roll call vote of 4 - 0 in favor (Absent: Kovalski).

RESOLUTION # 2003-224

RESOLUTION OF THE TOWNSHIP OF MARLBORO AUTHORIZING THE ISSUANCE OF ONE (1) ADDITIONAL PLENARY RETAIL CONSUMPTION LICENSE.

WHEREAS, pursuant to *N.J.S.A. 33:1-12.14*, a municipality is permitted to issue new plenary retail consumption licenses in ratio to a municipality's population; and

WHEREAS, in accordance with the most recent federal census counts, the Township of Marlboro has a population of 36,398; and

WHEREAS, in light of the recent census counts, the Township of Marlboro is permitted to issue up to three (3) additional plenary retail consumption licenses; and

WHEREAS, in furtherance thereof, on October 10, 2002, the Township Council of the Township of Marlboro adopted Ordinance No. 2002-26, which authorized the issuance of up to three (3) additional plenary retail consumption licenses for a total of twelve (12) of such licenses; and

WHEREAS, on June 26, 2003, the Township adopted Resolution #2003-182 authorizing the issuance of a plenary retail consumption license to AJR Restaurant Corp.; and

WHEREAS, the Mayor and Township Council, having considered the same, now wish to authorize the issuance of one (1) additional plenary retail consumption license and the advertisement for the receipt of sealed bids therefor as set forth below.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey that the issuance of one (1) plenary retail consumption licenses and the advertisement for the receipt of sealed bid therefor is hereby authorized pursuant to *N.J.S.A. 33:1-19, et seq.*

BE IT FURTHER RESOLVED that the Township of Marlboro shall hold a public sealed bid sale for the aforesaid license.

BE IT FURTHER RESOLVED that it is the intent of the Mayor and Township Council to attract bidders interested in utilizing the plenary retail consumption license in a restaurant (as defined in *N.J.S.A. 33:1-1(t)*).

BE IT FURTHER RESOLVED that the following requirements and conditions must be met by any and all prospective bidders:

1. Only the bids of bidders qualified to have an interest in a retail alcoholic beverage license under the standards set forth in the *Alcoholic Beverage Control Act*, the regulations promulgated thereunder and any applicable provisions of the Code of the Township of Marlboro will be opened.

2. To qualify, a prospective bidder must, on or before 3:00 P.M. on September 8, 2003, submit the following to the Township Clerk at 1979 Township Drive in Marlboro, New Jersey:

(a) A full and complete twelve (12) page Alcoholic Beverage Control License Application form, including the required municipal license fee of \$2,000.00 (the municipal license fee of an unsuccessful bidder shall be returned after the award of the license, less an administrative fee of ten percent (10%) of such license fee), and the required State license fee of \$100.00;

(b) A separate Certification of Proof of Compliance by the prospective bidder that it meets any and all conditions or requirements contained in this Resolution, including that the license will be used in conjunction with a restaurant which shall be a minimum of 3,500 square feet and have at least one hundred (100) seats, to be located on Route 9, Route 79 or Route 34 in the Township and knows of no reason why he or she would be disqualified from having an interest in a Retail Liquor License in New Jersey under the standards set forth in the *Alcoholic Beverage Control Act* and the rules and regulations promulgated thereunder; and

(c) a separately sealed envelope with the prospective bidder's deposit fee of \$65,000.00 (by bank check or certified check) which shall be non-refundable to the successful bidder after the award of bid.

3. The minimum bid for the plenary retail consumption license is \$650,000.00. The Mayor and Township Council reserve the right to reject all bids if the highest bid is not accepted.

4. Sealed bids shall be received on or before 3:00 P.M. on September 8, 2003 at the office of the Marlboro Township Clerk, 1979 Township Drive, Marlboro, New Jersey. The outside of the sealed envelope shall state:

(a) "2003 Liquor License bid"; and

(b) Name of the Bidder

Immediately after opening the sealed bids, the Township Clerk shall publicly announce the amount of each bid received and the name of each bidder.

5. The Township Council, shall, by written Resolution, adopted at a public meeting, either award the license to the highest qualified bidder or reject all bids. If the award is made to the highest qualified bidder, the ultimate issuance of the license shall be subject to each of the following terms and conditions:

(a) Payment of the balance of the bid by certified check made payable to the "Township of Marlboro" upon the earlier of the following: (i) the issuance of a Certificate of Occupancy; or (ii) by June 1, 2004, whichever occurs first. Failure to make timely payment of such balance shall, at the option of the Township, result in voiding of the license award and forfeiture of the successful bidder's deposit whereupon the Township may award the license to the remaining highest qualified bidder or determine to take no action;

(b) Payment of the State License Application Fee;

(c) Payment of the Annual Municipal Retail License Fee;

(d) Satisfactory outcome of further municipal background checks to investigate the source of funds used to purchase the license;

- (e) Receipt of favorable State and/or Federal criminal background checks; and
- (f) Compliance with the publication, hearing and Resolution requirements under *N.J.A.C. 13:2-2.1 et seq.*

The deposit(s) of all unsuccessful bidders shall be returned within ten (10) days of the date of the award.

6. The Township reserves the right to reject all bids where the highest qualified bid is not accepted.

7. The sale may be postponed or canceled at any time prior to the opening of the bids.

8. Prospective bidders shall also comply with all other provisions of *N.J.A.C. 13:2-2-1 et seq.*, including, but not limited to, publication of notice of application.

9. If no new license shall have been issued pursuant to this Resolution by June 1, 2004, no new license shall thereafter be issued without further Resolution of the Township Council determining to issue a new license.

BE IT FURTHER RESOLVED that notice of the public sale of the plenary retail consumption licenses be in conformance with *N.J.S.A. 33:1-19.4*.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be provided to each of the following:

- a. Township Administrator
- b. Township Chief Financial Officer
- c. DeCotiis, FitzPatrick, Cole & Wisler, LLP

At 1:00 PM, Councilman Denkensohn moved that the meeting be adjourned. This was seconded by Councilwoman Singer, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Kovalski).

MINUTES APPROVED: August 14, 2003

OFFERED BY: Singer

AYES: 3

SECONDED BY: Kovalski

NAYS: 0

ABSENT: Denkensohn

ABSTAIN: Kovalski

ALIDA DE GAETA
MUNICIPAL CLERK

ELLEN KARCHER
COUNCIL PRESIDENT